

## Message Text

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ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /026 W

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R 170835Z JUN 75

FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC 0920

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJ: CIVAIR: TRANS INTERNATIONAL AIRLINES CHARTERS

REF: A. STATE 137865

    B. STATE 138701

SUMMARY: E/C COUNS HAS RAISED TIA CHARTER PROBLEM WITH FONOFF. LATTER WILL DISCUSS ISSUE FURTHER WITH JCAB, BUT IS SKEPTICAL THAT REVERSAL OF JCAB DECISION TO SUSPEND CHARTERS BY ASIAN-AMERICAN RECREATION CLUB (A-ARC) WILL BE FORTHCOMING WITHOUT ADDITIONAL EVIDENCE FROM U.S. SIDE AS TO GROUP'S CHARTERWORTHINESS. END SUMMARY.

1. E/C COUNS ARRANGED TO DISCUSS TIA CHARTER PROBLEM WITH FUKADA, DEPUTY DIRECTOR, AMERICAN AFFAIRS BUREAU, FONOFF. HOWEVER, FUKADA WAS CALLED TO DIET AND WAS UNABLE AT LAST MINUTE TO KEEP APPOINTMENT. HE THEREFORE DELEGATED NUMATA, ACTING DIRECTOR, FIRST NORTH AMERICA DIV, TO HANDLE MATTER ON HIS BEHALF. (FUJII, HEAD OF FIRST N.A. DIVISION IS IN U.S. WITH ADVANCE TEAM FOR EMPEROR'S VISIT.)

2. AFTER EXPLAINING BACKGROUND OF PROBLEM, E/C COUNS STATED THAT EMBASSY HAD NOT PREVIOUSLY RAISED THIS ISSUE WITH FONOFF BECAUSE, UP TO NOW, WE HAD CONSIDERED IT TO BE ESSENTIALLY A TECHNICAL PROBLEM INVOLVING DIFFERENCE

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OF VIEW BETWEEN AVIATION AUTHORITIES OF JAPAN AND U.S.

AS TO CHARTERWORTHINESS OF A-ARC. HOWEVER, HE NOTED THAT CONGRESSIONAL CONCERN HAD NOT BEEN EXPRESSED AND THAT THIS CONCERN ELEVATES THE PROBLEM TO A MORE SERIOUS LEVEL. THUS, WHILE RECOGNIZING THAT NO BILATERAL AGREEMENT RIGHTS ARE INVOLVED, HE THOUGHT IT WOULD BE HELPFUL FOR FONOFF TO INVOLVE ITSELF IN THE MATTER WITH A VIEW TO AVOIDING FURTHER ESCALATION AND POSSIBLE HARMFUL EFFECTS ON U.S.-JAPAN RELATIONS. SPECIFICALLY, HE URGED THAT FONOFF SUPPORT EMBASSY'S EFFORTS TO GET JCAB TO CONTINUE APPROVING A-ARC CHARTERS WHILE THE TWO AVIATION AUTHORITIES SEEK TO RESOLVE THEIR DIFFERENCES ON THE GROUP'S CHARTERWORTHINESS. HE STATED THAT USCAB HAD OFFERED TO REVIEW THE MATTER AND THAT TIA REALIZES THAT IF A REVIEW ESTABLISHES THAT A-ARC IS NOT CHARTERWORTHY, THE CARRIER WILL BE LIABLE TO SUCH PENALTIES AS USCAB DEEMS APPROPRIATE. IN THE MEANTIME, E/C COUNS THOUGHT IT WAS UNFAIR TO DEPRIVE THE CARRIER OF A SUBSTANTIAL PART OF ITS CHARTER BUSINESS BETWEEN THE U.S. AND JAPAN. (A-ARC CHARTERS MAKE UP NEARLY HALF OF TIA'S 1975 PROGRAM).

3. E/C COUNS ALSO REFERRED TO THE IMMEDIATE PROBLEM OF TIA CHARTERS SCHEDULED FOR JUNE 19 AND 26. EMPHASIZING THAT PLANS FOR THESE FLIGHTS HAD BEEN MADE FAR IN ADVANCE AND THAT THEIR CANCELLATION WOULD WORK SERIOUS HARDSHIP ON BOTH PASSENGERS AND CARRIER. HE ASKED FONOFF TO URGENTLY SEEK JCAB APPROVAL OF THESE FLIGHTS.

4. NUMATA SAID HE HAD DISCUSSED THIS PROBLEM WITH JCAB PRIOR TO VISIT OF E/C COUNS AND HAD RECEIVED IMPRESSION THAT JCAB'S DECISION TO REFUSE OPERATING PERMISSION FOR FURTHER CHARTERS INVOLVING A-ARC WAS "QUITE FIRM." HE REITERATED JCAB'S CONCERN OVER ALLEGED IRREGULARITIES IN OPERATION OF A-ARC CHARTERS (TOKYO 7814) AND - WITH RESPECT TO THE GROUP'S CHARTERWORTHINESS - JCAB'S VIEW THAT A-ARC IS NOT A CLEARLY DEFINED AFFINITY GROUP SUCH AS THE STATE DEPARTMENT RECREATION ASSOCIATION), BUT IS AN ORGANIZATION WHOSE MEMBERSHIP IS OPEN TO ANYONE WILLING TO PAY THE MEMBERSHIP FEE OF FIVE DOLLARS PER YEAR. IN THESE CIRCUMSTANCES, NUMATA WAS FRANKLY SKEPTICAL THAT FONOFF COULD INFLUENCE A REVERSAL OF JCAB'S DECISION,

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PARTICULARLY IN ABSENCE OF ANY FURTHER "HARD EVIDENCE" FROM U.S. SIDE THAT A-ARC IS A GENUINE AFFINITY GROUP. HE NEVERTHELESS AGREED TO TAKE UP THE MATTER AGAIN ON THE BASIS OF E/C COUNS' REPRESENTATION.

5. EMBASSY COMMENT: CONCEIVABLY JCAB CAN BE CONVINCED TO APPROVE OPERATION OF JUNE CHARTERS FOR A-ARC ON BASIS PASSENGER CONVENIENCE, BUT JCAB DEFINITELY IS NOT YET

PREPARED TO AGREE THAT A-ARC IS CHARTERWORTHY. BASIC PROBLEM THUS PERSISTS AND UNTIL IT IS RESOLVED WE WILL HAVE TO FIGHT FOR EACH SUCCEEDING FLIGHT IN TIA'S PROGRAM INVOLVING THE GROUP. IN THAT CONNECTION, WE CELARLY CANNOT CONTINUE TO ARGUE PASSENGER CONVENIENCE, NOR IS THERE ANY REASON TO BELIEVE THAT JCAB WILL BE MOVED BY CONTINUED ASSERTIONS THAT A-ARC IS A GENUINE AFFINITY GROUP. UNREASONABLE AS IT MAY SEEM TO USCAB (STATE 134277), JCAB DOES INDEED REQUIRE POSITIVE PROOF OF A-ARC'S "INNOCENCE." WE ASSUME (AND HOPE) USCAB IS ALREADY ACTIVELY INVESTIGATING THE BONA FIDES OF THE GROUP AND WILL BE IN POSITION WITHIN VERY NEAR FUTURE TO GIVE US RESULTS OF SUCH INVESTIGATION. BELIEVE FURTHEREFFECTIVE SUPPORT OF TIA DEPENDS ENTIRELY ON THIS APPROACH.

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